

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-1089V

UNPUBLISHED

██████████, as Personal
Representative of the Estate of

██████████,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 3, 2022

Special Processing Unit (SPU); Joint
Stipulation on Damages; Influenza
(Flu) Vaccine; Guillain-Barre
Syndrome (GBS)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner.*

Emilie Williams, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON JOINT STIPULATION¹

On July 29, 2019, ██████████, as the Personal Representative of the Estate of her husband ██████████, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that her husband ██████████ suffered injuries, including Guillain-Barré syndrome (“GBS”) and death, following the receipt of the influenza (“flu”) vaccine he received on October 18, 2017. Petition at 1, ¶¶ 1, 5; Stipulation, filed at Feb. 3, 2022, ¶¶ 1-2, 4. Petitioner further alleges her husband received the vaccine in the United States, that he passed away as a result of his GBS, and that no party has filed a civil action or received compensation for Mr. ██████████ GBS. Petition at ¶¶ 1, 5-7;

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Stipulation at ¶¶ 3-5. “Respondent denies that the vaccine caused Mr. ██████ to develop any of the alleged injuries, any other injury or condition, or his death.” Stipulation at ¶ 6.

Nevertheless, on February 3, 2022, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, I **award** the following compensation:

A lump sum of \$275,000.00 in the form of a check payable to Petitioner, as the Personal Representative of the Estate of ██████. Stipulation at ¶ 8. This amount represents compensation for all items of damages that would be available under Section 15(a). *Id.*

I approve the requested amount for Petitioner’s compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties’ joint filing of notice renouncing the right to seek review.